

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

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Mingfei Zhu :  
Plaintiff, : Case No. 24-cv-01139  
: :  
-against- : Judge: Hon. Virginia M. Kendall  
  
The Partnerships and Unincorporated : Magistrate Hon. Beth W. Jantz  
Associations Identified in Schedule "A" :  
  
Defendants. :  
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**OPPOSITION TO PLAINTIFF'S MOTION FOR ENTRY OF A PRELIMINARY  
INJUNCTION**

Defendants, GIRIBIT & warminrog ("GIRIBIT" and "warminrog" respectively and "Defendants" collectively) by and through its undersigned counsel, hereby oppose Plaintiff's Motion for Preliminary Injunction filed on April 17, 2024 (Dkt. #23) on the ground that Plaintiff cannot satisfy the criteria for preliminary injunction under the case law in *TY, Inc. v. The Jones Group, Inc.*, 237 F.3d 891, 895 (7th Cir. 2001) and failed to show he is entitled to the presumption of ownership to the patent in suit for failure to show any recorded ownership assignment with the United States Patent and Trademark Office ("USPTO").

The Storage Hammocks sold by Defendants have been known to the public on or prior to March 11, 2021, about nine months before the filing date of U.S. Patent No. D1,000,857 ("the '857 Patent") on December 6, 2021 at [https://www.youtube.com/watch?v=SJ5Byb\\_\\_Y14](https://www.youtube.com/watch?v=SJ5Byb__Y14). A screen shot of from this public youtube link is attached as Exhibit A.

A direct comparison of various storage hammocks from the '857 Patent, the Defendants and the youtube tutorial are shown in the table below:

Storage Hammock from the '857 Patent (December 6, 2021)	Hammocks sold by Defendants	Hammocks from public youtube tutorial (March 11, 2021)

The above comparison provides clear and convincing evidence that Defendants' hammocks and that from the youtube tutorial are substantially the same. Specifically, they share the same/substantially the same the knitting knots at the intersection of the double lines. They also share the same/substantially the same weaving method passed on from one generation to another.

Both the Defendants' hammock and that of the youtube tutorial differ from the claim of the '857 Patent in the knitting knots and weaving methods and the claim of the '857 Patent cannot be interpreted to cover the Defendants' or the youtube tutorial's hammocks because they are substantially different.

*Arguando* that the claim of the '857 Patent can be interpreted somehow to cover Defendants' hammocks, it would also cover the hammock of the prior art, the youtube tutorial from March 11, 2021, which would invalidate the '857 Patent.

In addition, Plaintiff failed to create the presumption of ownership to the ‘857 Patent for failure to record any assignment of ownership to him with the United States Patent and Trademark Office. As of April 21, 2024, Plaintiff was not the *prima facie* owner of the ‘857 Patent. (Exhibit B).

Plaintiff is unlikely to succeed on the merits in this case. It also has adequate remedy at law because Defendants have filed their appearances and can litigate this case to trial to contest the validity of the ‘857 Patent and/or to prove noninfringement of the ‘857 Patent by Defendants’ hammocks.

For the reasons above, Plaintiff has no likelihood of success on the merits on any of its claims, and its Motion for Preliminary Injunction must be denied in its entirety.

Dated: April 22, 2024

Respectfully submitted,

/s/Lance Liu

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**CERTIFICATE OF SERVICE**

I hereby certify that on April 22, 2024, a copy of the foregoing document was filed electronically through the Court's CM/ECF NextGen system with notice of filing automatically sent electronically to counsels of record.

Dated: April 22, 2024

Respectfully submitted,

/s/Lance Liu

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